

**COMMONWEALTH OF VIRGINIA  
NATIONAL INTEREST WAIVER PROGRAM GUIDELINES**

**Developed by**

**The Office of Health Policy & Planning  
Virginia Department of Health**

**December 2004**

**Virginia Department of Health  
Office of Health Policy and Planning**

**National Interest Waiver Guidelines**

**I. Background**

The National Interest Waiver is a waiver of the job offer requirement for foreign nationals who would like to obtain permanent residence in the United States in the employment based second preference category. The waiver is available to individuals who are members of the professions holding advanced degrees and individuals of exceptional ability in the arts sciences and business.

Generally, individuals who apply to immigrate in the employment based second-preference category, must have a job offer and the employer must obtain an approved “Labor Certification” from the Department of Labor. The National Interest Waiver relieves the petitioner only from the Labor Certification process. A petitioner requesting a National Interest Waiver on behalf of a qualified alien physician, or an alien physician self-petitioning for second preference classification, still must meet all eligibility requirements for this immigrant classification in order to be eligible for the National Interest Waiver.

The Code of Federal Regulation (CFR) at 8 CFR Parts 204 and 245 provide provisions of public law and regulations under which framework that a second-preference immigrant physicians may petition for a National Interest Waiver. The National Interest Waiver requires physicians to provide service either in an area designated as a HPSA or MPSA or at a VA facility. In either case the alien physician must also obtain a determination from Health and Human Services Department (HHS), VA, or State Department of Health that the physician’s work in such an area or facility is in the public interest.

An attestation from a Federal agency must reflect the agency’s knowledge of:

- The alien physician’s qualifications;
- The agency’s background in making determinations on matters involving medical affairs so as to substantiate the finding that the alien physician’s work is or will be in the public interest.
- An attestation from the public health department of a State must reflect that the agency has jurisdiction over the place where the alien physician intends to practice clinical medicine. If the alien physician intends to practice in more than one underserved area, attestations from each intended area of practice must be included.

A request for a letter from the Virginia Department of Health regarding the National Interest Waiver petition should comply with the following:

# National Interest Waiver Guidelines

## Page 2

### II. Procedures

The physician's documentation must include the following:

- \_\_\_\_\_ 1. Physician's full name, home address and home phone number.
- \_\_\_\_\_ 2. Physician's practice name, address and phone number.
- \_\_\_\_\_ 3. A copy of physician's current Virginia Medical license.
- \_\_\_\_\_ 4. An affirmation statement that the physician's ability to practice medicine is not under disciplinary review by the Virginia Board of Medicine or any other legal or regulatory authority.
- \_\_\_\_\_ 5. A copy of physician's Virginia Department of Health waiver approval letter. If not available, explain what State/Federal Office supported waiver request.
- \_\_\_\_\_ 6. An affirmation statement that physician will practice (primary care or specialty) full-time (40 hours per week) in in a clinical practice located in a Medically Underserved Area. Include the practice(s) location HPSA ID#. Include documentation from website (<http://belize.hrsa.gov/newhpsa/newhpsa.cfm>) indicating practice locations HPSA or MPSA ID #.
- \_\_\_\_\_ 7. Include documentation to support a finding that the service is in the public interest. In the Commonwealth of Virginia, public interest is defined as serving underinsured or uninsured patients as evidenced by acceptance of Medicaid, Medicare and use of a sliding/discount fee scale for those without insurance in a Medically Underserved Area.

**Note:** Prior to processing National Interest Waiver request, (if required, i.e. J-1 physician) the physician's Verification of Employment forms must have been submitted to Virginia Department of Health, Office of Health Policy and Planning and be up to date.

### III. Submission

A physician requesting an attestation letter from the Virginia Department of Health, Office of Health Policy and Planning must submit the required documentation to:

**Virginia Department of Health  
Office of Health Policy and Planning  
109 Governor Street – Suite 1016-E  
Richmond, Virginia 23219  
ATTN: Recruitment Manager**

*For more information:*  
**(804) 864-7435 – Office - Fax (804) 864-7440**

### IV. Notification

The physician will be notified in writing of the approval or denial of the request. If the request is approved, an attestation letter will be provided to the physician.